

## Union County State's Attorney

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### Press Release - For Immediate Release

Elk Point, S.D. – State's Attorney Jerry A. Miller said today that Penny Birkley, 41, Sioux City, IA, plead guilty on May 17, 2010, and was sentenced in the 1<sup>st</sup> Circuit Court, in Union County on June 28, 2010, to one count of grand theft by embezzlement, a class 4 felony. The maximum sentence on this charge is 10 years in the penitentiary and / or \$20,000 fine. Birkley received a sentence of 10 years in the South Dakota State Penitentiary with 10 years suspended and placed on probation for 10 years. Birkley was further sentenced to serve 180 days in the Union County Jail. Birkley was also fined \$1000 with her other costs and obligation amounting to \$24902.81.

Penny Birkley, was a shift manager of the Pronto Express, in North Sioux City, SD. An investigation by the Sgt. Richard Headid of the North Sioux City Police Department revealed an embezzlement scheme totaling \$24,532.81 from her employer starting approximately in February, 2008 - February, 2010. Birkley restitution obligations were not paid prior to her sentencing.